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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,839	12/21/2004	Keith Baker	BAI525-253/08268	1267
24118 7590 04/01/2009 HEAD, JOHNSON & KACHIGIAN 228 W 17TH PLACE TULSA, OK 74119				
EXAMINER				
BAIG, SAHAR A				
ART UNIT		PAPER NUMBER		
2424				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/518,839

Applicant(s)

BAKER, KEITH

Examiner

SAHAR A. BAIG

Art Unit

2424

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-15 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-15 and 17-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-6, 8-15, and 17-19 have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et al. US Patent No. 5,699,107 in view of Nishikawa et al. US Patent No. 6,348,932.

Regarding claims 1, 3, 4, 8, 10, 12, 13, 17, and 19, Lawler discloses a method of displaying information in at least one selected cell of a grid electronic program guide having a plurality of cells **Figure 3**, the method comprising the steps of: storing the information for each cell of the grid electronic program guide in a banner form **Figure 3 item 108**; selecting at least one cell of the grid electronic program guide having a plurality of cells with the stored banner information **Figure 3 item 102**; and to enable a viewer to fully read the information in the at least one selected cell **Figure 3 item 108** while non-rotatably displaying the non-selected plurality of cells of the grid electronic program guide [**Figure 3 item 78**

depicts the area where the remaining unselected cells are displayed in a non-rotatable manner]. Lawler fails to teach the feature of displaying information in a cell in a *rotatable* manner. In an analogous art, Nishikawa discloses an interface for displaying program information in a *rotatable* form. **Figure 7** of Nishikawa shows a scrolling Ticker Region 566 where it may display a message that states that an upcoming football game will be shown on channel 4 at 2 pm on Nov. 24, 1999 [**Col. 12 lines 32-34**]. Therefore it would have been obvious to one of ordinary skill in the art to combine the teachings of Lawler and Nishikawa to include the rotatable display banner in the EPG where the desired program's information can be presented to the user in a quick and efficient fashion.

Regarding Claim 2 and 11, Lawler discloses that the banner is an animated file [**Figure 3 item 110**]. Although it is not explicitly taught that the file is in a GIF format, it would have been obvious to one of ordinary skill in the art to include such a feature because it is an industry standard.

4. Claim 5, 6, 14, and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et al. US Patent No. 5,699,107 in view of Nishikawa et al. US Patent No. 6,348,932 in further view of Boyer et al. (US Patent Publication No. 2003/0066085).

Regarding Claim 5, 6, 14, and 15, the combined teachings of Lawler and Nishikawa disclose all of the claimed limitations except that the column of cells closest to the current time is selected. In an analogous art, Boyer discloses a television guide system wherein listing for programs is presented according to the programs that are currently being broadcasted [0102]. Therefore it would have been obvious to one of ordinary skill in the art to combine the teachings of Lawler, Nishikawa and Boyer to display program listings in a consecutive order starting with the currently broadcasted events.

5. Claim 9 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et al. US Patent No. 5,699,107 in view of Nishikawa et al. US Patent No. 6,348,932 in further view of Borden et al. US Patent No. 6,857,128.

Regarding Claim 9 and 18, the combined teachings of Lawler and Nishikawa fail to disclose the limitation where there is jittering present. In an analogous art, Borden teaches this limitation in **Col. 6 lines 24-30**; [*The various display screen appearances and scrolling effects described in conjunction with FIGS. 3-10 can be implemented by applying known computer graphics techniques to a particular arrangement of the schedule data by CPU 172*]. Therefore it would have been obvious to include this feature in the combined system of Lawler and Nishikawa in order to provide an enhanced electronic program guide presentation.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAHAR A. BAIG whose telephone number is (571)270-3005. The examiner can normally be reached on 4/5/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/
Supervisory Patent Examiner, Art
Unit 2424

SB